

Shikeb Saddozai-CDCR#AY1590  
Corcoran State Prison  
P.O.Box 3461  
Corcoran C.A. 93212  
In Pro se

**FILED**  
**MAR 06 2020**  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHIKEB SADDOZAI,

Plaintiff,

v.

CLAWSON, et al.,

Defendants.

Case No. 18-cv-05558-BLF

DECLARATION BY PLAINTIFF  
IN SUPPORT OF MOTION FOR  
RECONSIDERATION ORDERING  
APPOINTMENT OF COUNSEL  
UNDER NEW GROUNDS  
NECESSARY FOR DUE PROCESS

Shikeb Saddozai states:

1. I am the plaintiff and I make this declaration in support of my case.
2. On November 21,2019,while in the custody of Corcoran State prison,immediately upon my arrival I was placed on lock-down and isolated to my cell quarters exceeding 24 hour confinement,without reason or hearing,excluding my property privileges,forced to cell feeding,with no daily means to maintain my personal cleanliness nor ability to communicate with the court,attorney and family to seek help and assist in my criminal offense while on direct appeal for custody offense,for 15 days.I submitted an inmate complaint & it was ignored.
3. My incoming personal and legal mail correspondence have been repeatedly violated , delayed beyond the reasonable time limits ,and returned to sender which has restricted me from receiving and corresponding with the court,attorney,and my family,resulting in penalties.
4. On November 28,2019,I sustained injuries to my back,neck,and hip area with the attendant pain,resulting from slipping and falling inside my cell quarters,due to water flooding my cell from ceiling leaks. I reported incident to housing unit correctional officers:S.Foster, Torres, Travino,and requested immediate medical attention and my repeated requests for

1 needed medical care were ignored and I was forced to remain in  
2 hazardous cell quarters covered with mold, structural damage,  
3 leaks, and freezing climate conditions. I submitted an inmate  
4 complaint to the Inmate Office Appeals and a Health Care  
5 Request to medical clinic seeking immediate medical care and  
6 both went ignored.

7  
8 5. On or about November 21, 22, 24 to the 29th, 2019, and December  
9 4, 7, 11, 12, 2019, I submitted multiple completed inmate  
10 requests for interview with staff, seeking a response to my  
11 issues and concerns related to my lockdown status, loss of  
12 property, denial of law library and religious services,  
13 inappropriate custody placement, mental health and medical  
14 issues and my inmate requests that were accepted, signed and  
15 dated by housing unit officers addressed to the intended  
16 staff responsible for my living conditions was repeatedly  
17 ignored without a resolution.

18 6. I submitted inmate requests to the Inmate Trust Account and  
19 facility mail room department for inmate issued indigent  
20 envelopes, draft paper, writing materials, and means to  
21 communicate with the court, attorney, and family for the months  
22 of November, December, January, and my requests for said materials  
23 were not provided.

24  
25 7. On December 3, 2019, assigned correctional counselor, P. Romero,  
26 assigned me to prison job duties involuntarily and against my  
27 protest, forcing me to work with a disability over 40 hours  
28

1 a week during morning and evening shifts, knowingly knew job  
2 interfered & prevented me from my only opportunity at  
3 accessing the prison law library during law library schedules,  
4 which provides resources needed to initiate, maintain and  
5 prosecute my legal active cases that effect my personal liberty.  
6

7 8. On December 22, 2019, I received my personal property withheld  
8 outside my access and control in possession of (R&R) officer,  
9 T. Noland, whom is in charge of inmate property, and upon receiving  
10 my belongings I discovered my legal documents and miscellaneous  
11 items missing and destroyed. Property form (CDCR-1083) attached  
12 to my boxes of property pursuant to policy failed to account  
13 for the quantity for all my property items. Officer, T. Noland,  
14 caused additional damages to my legal documents by cutting  
15 through the boxes and failed and refused upon my requests to  
16 document the damages and theft of my property and threatened  
17 to keep my property if I complained about the damages and loss.  
18 I submitted an inmate complaint to Inmate Office of Appeals  
19 and my complaint went unanswered.  
20

21 9. On December 18, 2019, assigned correctional counselor, P. Romero,  
22 seized my confidential-legal documents sent to me by attorney  
23 from my possession which related to my active court case and  
24 due to seizure of legal documents addressed to me I was  
25 prevented from knowing the nature of transmission. I submitted  
26 an inmate complaint to Inmate Office of Appeals and my compl-  
27 aint. went unanswered.  
28

1 10. On November 22,25,26,27,28,29,2019, December 2 to 6,12,13,16 to  
2 20,23 to 27,30,31, 2019, and January 1 to 9,2020, facility law  
3 failed to operate pursuant to institutional schedule and upon  
4 my advance notices failed and refused providing me physical  
5 access to law library and its resources,needed to make legal  
6 copies,conduct legal research,print from the Lexis-Nexis  
7 System,obtain legal materials-i.e.,draft paper,legal forms,  
8 and legal envelopes,and continued to deny me law library  
9 services after presenting supporting evidence and information  
10 I am pro se on active court cases and under direct criminal  
11 appeal for custody offense.I submitted an inmate complaint to  
12 Inmate Office of Appeals and my complaint went unanswered.

13  
14 11. On January 10,2020,correctional officer,A.Reguera,and Mecum,  
15 failed and refused accepting my out-going legal mail addressed  
16 to the United States District Court on my active case without  
17 reason,and after authorizing the contents of my correspondence  
18 and as a result of officers interference I was restricted from  
19 sending out legal mail on said officers shift causing me delay  
20 and to amass a pile of undelivered legal mail.

21 12. On January 9,11,13,2020,upon utilizing the inmate complaint  
22 system at Corcoran State Prison, correctional officers: Kiaris,  
23 Sgt.Torres,Sgt.Hubbard,Stg.Medina,Sgt.Mason,Sgt.Case,and offc.  
24 Torres,repeatedly interfered with my inmate complaints and  
25 threatened me with force,violence,threat,harassment,fear,and  
26 retaliation,and ordered me to withdraw my inmate complaints or  
27  
28

1 officers would beat me up, in addition to making inappropriate  
2 sexual and racial discriminatory comments. On January 14, 2020,  
3 I attempted submitting an inmate request to facility Captain  
4 D. Burns, and officer, Mecum, took my request form describing  
5 incident and destroyed my inmate request in the presence of his  
6 partner officer, Skiefen, and which was also witnessed by inmate-  
7 Reyes-CDCR#AW7775, and as a result of officer, Mecum's action,  
8 restricted me from seeking help and exposing misconduct. I  
9 submitted a letter of complaint to the prison Warden, and  
10 disciplinary authorities and no remedy was provided nor officers  
11 cease and desist their harassment and retaliation against me.  
12

- 13 13. On or about January 23, 2020, housing unit-correctional officer  
14 Torres, made a comment that I was "Red Flagged" on SOMS, which is  
15 the Strategic Offender Management System (SOMS), used by prison  
16 officials to label me and identify prisoners who complain about  
17 conditions of their confinement, causing me significant risk,  
18 including but not limited to revealing my actual complaint as  
19 a file photo and combined with officers notes, stimulating bias,  
20 prejudice, and violence by other correctional officers, and staff  
21 personnel that view SOMS in their activities set by their  
22 secrecy code of conduct. In addition information in my SOMS, can  
23 be altered and modified without a court order nor do I have  
24 access to examine and dispute information which imposes  
25 additional punishment and reprisal actions by prison officials  
26 which is effecting me in my daily life activities for my life  
27 span.  
28

1 14. On or about January 24,2020,my primary care clinician at  
2 Corcoran State Prison,T.Pettinger,and clinician,Oz,increased  
3 my Mental Health Level of Care,to the Enhanced Outpatient  
4 Program(EOP) level of care,involuntarily without my consent,  
5 knowledge or notice to me,nor was I afforded a committee  
6 hearing pursuant to policy and procedures or informed of my  
7 rights to a hearing nor did I waive such a hearing and at all  
8 times I made known my contentions to my clinician and her  
9 supervisor that I refuse treatment under the (EOP)level of care.  
10 Clinicians enforcement of (EOP)level of care knowingly knew  
11 the change of my level of care has lead up to me being  
12 transfered and housed with prisoners that have serious mental  
13 and emotional disorders,and behavioral problems which has  
14 placed me in danger of my safety and security,and as a result  
15 of inappropriate placement has interfered and stopped me from  
16 my legal litigation activities which effect my personal liberty  
17 while under direct criminal appeal for custody offense,in  
18 addition to negatively impacting my classification,and limiting  
19 my privileges,disrupting my program,and causing me significant  
20 and atypical hardship.I submitted an inmate Health Care  
21 Grievance to the Health Care Grievance Office,and my complaint  
22 on issues described above went unanswered.

24 15. On February 10,2020, Correctional officer,M.Ross,seized and  
25 read my legal documents in my possession without my consent  
26 violating the confidentiality of my privileged legal documents.  
27 Ater officer,M.Ross,concluded no discovery of contraband,he  
28

1 became aggressive, challenging, and disrespectful and stated to  
2 me that "he does not like my face, and give him a reason to  
3 hurt and mase me". Correctional officer's Sergeant's: Medina,  
4 Case, and Hubbard, were present at all times during Officer's  
5 search and violation of my legal documents and whom are  
6 mentioned in paragraph-12 of my declaration, failed to intervene.

7  
8 16. On February 11, 2020, while I was inside of my cell quarters,  
9 (CELL#237L), correctional officers, Roacha, Kiaris, Rocha Jr., Skief-  
10 en, and officer (unknown), entered inside my cell. Officer Rocha  
11 threatened to take & destroy my property and that he and officers  
12 would beat me up if I dont provide them with information about  
13 inmates in neighboring cell quarters-#236. Officer Roacha,  
14 repeated the same conduct with inmate in cell quarter-#235.

15 On or about February 13, 2020, out of fear for my life by custody  
16 officers and due to the diciencies in the inmate complaint  
17 system, I reported issues described in the above incident to  
18 my assigned clinician responsible for my mental health treat-  
19 ment.

20 17. On January 21, 2020, a "Federal Rules of Civil Procedure" law  
21 book was sent to me via U.S. postal by book distributor and as  
22 of today's date from my declaration provided, officer, T. Noland,  
23 incharge of inmate property, and books, will not release law book  
24 sent to me that is withheld in his possession, without reason,  
25 upon my repeated requests and advance notices that law book is  
26 needed and relates to my active court cases. Officer, Noland's  
27  
28



1 actions are repeated occurrences from complaints I submitted  
2 against officer Noland on of December 22,27,2019,that are  
3 mentioned in paragraph-8 of my declaration.

4 18. On of February 18,2020,while I was inside my cell quarters-  
5 #237,correctional officer Clements,incharge of delivering  
6 inmates legal mail for the day,arrived outside my cell door,  
7 and concealed his name on his uniform with my mail and informed  
8 me that he will not provide me my legal correspondence because  
9 he does not like the way I sign my signature and left without  
10 providing me his identity upon my request nor afforded me an  
11 opportunity to receive my legal mail in manner he personally  
12 wants and has restricted me from receiving and corresponding  
13 on my active legal cases with the courts.  
14

15 19. On of February 18,2020,correctional officer,Roacha,entered  
16 inside of my cell quarters-#237,and forced me to strip naked  
17 and conducted a body cavity search beyond what is reasonable  
18 while my cell door was opened in the presence of male and  
19 female officers and other inmates.Officer,Roacha,had me bend  
20 over at the waist while spreading my buttocks towards him,  
21 squatting and caughing,than turning around and lifting my penis  
22 and scrotum,and than had me run my dirty fingers in my mouth  
23 against my protest after I was made to grab my genitals. No  
24 findings of contraband on my persons or in my cell were  
25 discovered or elements to charge a rule violation and search  
26  
27  
28

1 were on issues unrelated to me nor was I provided a notice of  
2 actions or my rights and are repeated occurrences by said  
3 officers mentioned from paragraph-16 of my declarations.

4 20. On February 19,2020,while inside of my cell quarters-#237,  
5 correctional officers,Kiaris,Roacha,and(unknown)officer,  
6 entered inside of my cell quarters,and became challenging,  
7 aggressive,and disrespectful,and ordered me to sign legal mail  
8 slips with instructions exactly to their personal standards  
9 which were already signed and dated by me from a prior occasion  
10 under threat,duress,and coercion.Officer,Kiaris stated he  
11 would file a rule violation report which will lead to discipl-  
12 inary action,and that he will keep my legal mail and restrict  
13 my legal correspondence in addition to further reprisal actions  
14 and out of fear for my life I signed three of the officers  
15 documents presented to me to their specifications involuntarily  
16 and received no receipt upon my request for my records.

17  
18 The actions of said officer's are a continuing pattern of  
19 repeated occurrences mentioned from paragraph-12,16,19,of  
20 my declaration.

21 21. At all times relevant in my declaration,I submitted multiple  
22 inmate complaints and inmate requests,providing supervisory  
23 prison officials advance notices of ongoing abuse and mistreat-  
24 ment by their subordinate officers and my notices were ignored  
25 without remedy,or exhausting my remedies and from preserving a  
26 a record which has been made unavailable to me and are  
27  
28

1 contrary to the prisons policy under the California Code of  
2 Regulations, and due to submitting inmate complaints seeking  
3 remedy and to stop correctional officers misconduct has led  
4 and invited additional reprisal actions by prison officials  
5 causing me irreparable injury, loss, and damages, described in  
6 my declaration.

7  
8 22. For the foregoing reasons, the Court should grant my motion  
9 in all respects.

10  
11 PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY  
12 THAT THE FOREGOING IS TRUE AND CORRECT.

13 Dated: March 2, 2020

14   
15 Declarant Shikeb Saddozai